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October 20, 1999

Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
Portals II, Filing Counter, TW-A325  
445 12th Street, S.W.  
Washington, D.C. 20554

RECEIVED

OCT 20 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: MM Docket No. 97-122; Assignment Application of Gerard A. Turro and Press Broadcasting Company, Inc. (FM Translator Stations W276AQ and W232AL) (Not Yet Accepted for Filing)

Dear Ms. Salas

On behalf of Universal Broadcasting of New York, Inc., there are herewith submitted an original and fourteen copies of the following pleadings for consideration by the Commission in connection with the above-referenced matters:

1. Renewed Petition for Extraordinary Relief and Issuance of an Order Requiring Gerard A. Turro to Come into Immediate Compliance with 47 C.F.R. §74.1232;
2. Motion for Expedited Processing; and
- ✓ 3. Supplement to Petition to Deny and Post-Hearing Statement of Position of Universal Broadcasting of New York, Inc.

In connection with this submission, please note that copies of the above-listed pleadings have been hand served on this date on the offices of Commissioners Ness, Powell, Tristani and Furchtgott-Roth. Copies of these filings have not been served on the offices of Chairman Kennard, because the Chairman has rescued himself from participation in the consideration of the matters to which these pleadings pertain.

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Ms. Magalie R. Salas  
October 20, 1999  
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Please direct any questions regarding these submissions to the undersigned.

Very truly yours

A handwritten signature in black ink, appearing to read "J. Brian DeBoice", with a stylized flourish at the end.

J. Brian DeBoice

Enclosures

cc: Attached Service List

## SERVICE LIST

The Honorable Harold Furchtgott-Roth  
Commissioner  
Federal Communications Commission  
445 12th Street, S.W., Room 8-A302  
Washington, DC 20554

The Honorable Susan Ness  
Commissioner  
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OCT 20 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**BEFORE THE**

license renewal applications for the translator stations on issues to determine whether Turro is basically qualified to retain the translator station licenses. 12 F.C.C. Rcd. at 6265 & n.3 (¶3), 6273 (¶23). On August 16, 1999, ALJ Arthur Steinberg issued an *Initial Decision* (“ID”)<sup>2</sup> in which he found Turro qualified to continue to hold the translator station licenses. Contemporaneously with the submission of this supplement, Universal has filed its exceptions to the ALJ’s ID.<sup>3</sup> Universal’s exceptions urge the Commission to find Turro basically unqualified to retain his licenses, based on the evidence compiled pursuant to the *HDO*.

Universal also believes that, based on the hearing record, substantial and material questions clearly exist regarding whether Turro’s proposed assignment of the translator stations to PBC would be contrary to the public interest. It would be premature at this time to brief those questions, however, because the captioned assignment application is not currently under active consideration by the Commission, and because it never will be under active consideration by the Commission, if Turro is ultimately found unqualified to retain his translator station licenses. In that event, the Commission would simply dismiss the assignment application without consideration, since Turro’s disqualification would mean that he no longer has any licenses to assign.

If Turro is ultimately found qualified to retain the translator station licenses (an outcome which Universal believes unlikely, based on the hearing record), the Commission would

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<sup>2</sup> FCC 99D-03 (ALJ; rel. Aug. 16, 1999).

<sup>3</sup> Universal has also filed, contemporaneously with this supplement, a Renewed Petition for Extraordinary Relief which seeks to correct the fact that Turro has been operating his FM translator stations in violation of the Commission’s FM translator rules for the past five years, and is still today engaged in this same open and notorious violation of the Commission’s rules. The renewed petition requests that the Commission issue an order on an expedited basis requiring Turro to come into immediate compliance with the requirements of the Commission’s FM translator rules.

presumably proceed at that point to take up active consideration of the assignment application and, if appropriate, would accept it for filing and place it on public notice. Only at that point would the matter of the application's public interest defects be ripe for consideration by the Commission. At that future point, therefore, if it should arrive, Universal intends to affirmatively set forth for the Commission's consideration the substantial and material public interest questions which Universal believes exist regarding the proposed assignment to PBC, based on the hearing record that has now been compiled regarding the renewal of Turro's licenses for the translator stations.

Respectfully submitted

UNIVERSAL BROADCASTING  
OF NEW YORK, INC.

By: 

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Dated: October 20, 1999

## CERTIFICATE OF SERVICE

I, Barbara J. McKeever, do hereby certify that on October 20, 1999, a copy of the foregoing "Supplement to Petition to Deny and Post-Hearing Statement of Position of Universal Broadcasting of New York, Inc." was hand delivered to the following:

The Honorable Harold Furchtgott-Roth  
Commissioner  
Federal Communications Commission  
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Washington, DC 20554

The Honorable Susan Ness  
Commissioner  
Federal Communications Commission  
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